

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

International Application No. : PCT/EP2003/006092  
International Filing Date : June 11, 2003  
Priority Date(s) Claimed : June 25, 2002  
Applicant(s) (DO/EO/US) : Helmut FIEBIG et al.

Title: DNA SEQUENCE AND PREPARATION OF GRASS POLLEN ALLERGEN PHL  
P4 BY RECOMBINANT METHODS

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

**Timing and Fees**

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
  - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
  - ☒ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. 1.113;
  - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
  - ☐ a final action under 37 C.F.R. § 1.113;
  - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☒ Copies of materials listed but not attached were cited in an international search report dated November 17, 2003.
- ☐ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☒ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

- X = document of particular relevance when it is taken alone
- Y = document of particular relevance when it is combined with another such document
- A = document defining the general state of the art
- O = non-written disclosure
- P = intercalated document
- T = document cited to understand the theory or principle underlying the invention
- E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
- D = cited in the application
- L = cited for another reason
- & = publication of member of same patent family

☒ Translation of other relevant information on foreign search report

In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Figure of formula, "Beispiele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means claims, "Anspruch" means example, "Zusammenfassung" means summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwaehnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means break, "Abbildung" means figure.

Other Information

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☐ Please charge to Deposit Account No. 13-3402 \$ for the fee identified above.

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Respectfully submitted,

  
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Attorney Docket No.: MERCK-2966

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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Complete if Known

Application Number	Unassigned 10/518927
Filing Date	December 23, 2004
First Named Inventor	Helmut FIEBIG et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	MERCK-2966

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
*	1	SUCK R ET AL: "The high molecular mass allergen fraction of timothy grass pollen (Phleum pratense) between 50-60 kDa is comprised of two major allergens: Ph1 p4 and Ph1 p13 "CLINICAL AND EXPERIMENTAL ALLERGY, Bd. 30, Nr. 10, October 2000, XP002260344.	
*	2	FISHER S ET AL: "Characterization of Ph1 p4, a major timothy grass (Phleum pratense) pollen allergen" JOURNAL OF ALLERGY AND CLINICAL IMMUNOLOGY, MOSBY - YEARLY BOOK, INC, US, Bd. 98, Nr. 1, July 1996, 189-198, XP000953216.	
*	3	FAHLBUSCH B ET AL: "Detection and quantification of group 4 allergens in grass pollen extracts using monoclonal antibodies" CLINICAL AND EXPERIMENTAL ALLERGY, Bd. 28, Nr. 7 July 1998, 799-807, XP002260345.	
*	4	SUCK R ET AL: "Complementary DNA Cloning and expression of a newly recognized highmolecular mass allergen Ph1 P 13 from Timothy Grass pollen (Phleum pratense)" Clinical and experimental allergy, Blackwell scientific publications, London, GB, Bd. 30, Nr. 3, March 2000, 324-332, XP000953168	
*	5	STUMVOLL SABINE ET AL: "Purification, structural and immunological characterization of a timothy grass (Phleum pratense) pollen allergen, Ph1 p4, with cross-reactive potential." BIOLOGICAL CHEMISTRY, Bd. 383, Nr. 9, September 2002 1383-1396, XP002260346	

Examiner  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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